

Water Pollution Control Advisory Council (WPCAC) Meeting

Conference Call

December 20, 2007 ~ 10:00 a.m.—11:01 a.m.
Metcalf Building, Room 233, Helena, Montana

Call to Order

Chairman Dude Tyler called the Water Pollution Control Advisory Council conference call meeting to order on December 20, 2007, at 10:00 a.m.

Council Members Present

Council Members Present via Conference Call: Dude Tyler (Chair), Trevor Selch (alternate for Don Skaar), Matt Clifford, Karen Sanchez, Terry McLaughlin, Earl Salley, Jon Benocha and his alternate John Peterson, Stevie Neuman, and Kathleen Williams.

Department of Environmental Quality (DEQ) Personnel Present: Bob Bukantis (Council Secretary) Water Quality Planning Bureau (WQPB), Planning, Prevention and Assistance Division (PPAD); and Summer Marston, (Administrative Support) WQPB, PPAD.

A quorum was present.

No one from the public was present.

Approval of Agenda

Dude Tyler asked for additions or changes to the agenda. A motion to approve the agenda was made and seconded. The motion carried.

Approval of Minutes

Dude Tyler asked for discussion or changes to the minutes from November 1, 2007. No changes or corrections to the minutes were requested. A motion to approve the minutes was made and seconded. The motion carried.

Review of Council Chair and Vice Chair

Dude Tyler asked Bob Bukantis to give background on this item. Bob stated that the Council is required to select a Council Chair at the last meeting each year. Bob also stated that the Council should also revisit the position of Vice Chair. Dude stated he would be happy to continue to serve as Council Chair and asked for discussion or suggestions. Terry McLaughlin commended Dude for his great leadership as Chair. Other members agreed. Dude was nominated as Chair, and this was seconded. Terry asked if there were any other nominations for Chair, and there were none. A motion was made that nominations cease. This was seconded, and nominations were closed. A motion to declare a unanimous decision vote was made and seconded. All were in favor, and Dude Tyler was voted Chair.

Dude stated that Matt Clifford had expressed an interest in serving if Terry chose not to continue as Vice Chair. Terry McLaughlin thanked Matt for his willingness to participate, and that he would be

willing to stay if chosen. Terry also nominated Kathleen Williams, however, Kathleen turned down the nomination. Terry nominated Matt. Kathleen nominated Terry. A motion to cease nominations was made. Dude Tyler requested other nominations three times as per Robert's Rules, and then declared that nominations were closed. Matt stated that if Terry was interested in remaining Vice Chair, he would be happy to withdraw, and Terry stated he was. Matt then withdrew his name. A motion for a unanimous decision to vote for Terry as Vice Chair was made and seconded. The motion carried, and Terry will remain the Vice Chair.

2008 Meeting Calendar

Dude then asked for discussion on the calendar. Terry McLaughlin asked if any council members had received agenda items for the Board of Environmental Review (BER) meeting in January. He also asked if WPCAC had satisfied their requirement by holding the meeting today. Bob Bukantis stated the requirement was met with today's meeting. Kathleen Williams asked about the Gallatin outstanding resource water (ORW) topic that will be presented at the January BER meeting. Bob stated it is a decision item for the Board to consider extension of the public comment period.

Terry McLaughlin stated that the Board will be holding a public hearing in Conrad regarding the Dry Fork of the Marias River reclassification and a public hearing in Helena at DEQ regarding the modifications to DEQ-7. Bob stated that these are both public hearings which will be presided over by the Board's attorney (1/28/2007 in Conrad and 1/30/2007 in Helena). Dude Tyler asked if it was appropriate for a Council member to attend. Matt Clifford said he would plan on attending, however, not as a representative of the council. Terry McLaughlin stated the topic has been discussed in the past of having a Council member attend BER meetings as a representative. This has not officially happened, and, if a Council member has their own opinions, they are certainly permitted to attend and represent their own views.

Bob stated these hearings are quite formal. The public is welcome to provide a statement or written comment, however, there is no discussion or opportunity for question and answer. The Council's involvement comes before the items go before the BER. Bob offered to update the Council after BER meetings as future agenda items. Kathleen Williams asked if any WPCAC members know what the agenda is for the January 22, 2008, BER meeting. Bob stated that there is not a final agenda out for that meeting yet. Kathleen asked if there might be a role for WPCAC for the ORW topic to the BER meeting. Terry stated that WPCAC addressed the Gallatin ORW when it was brought to WPCAC before it was taken to the BER. If there are changes proposed by the Department that may need additional consideration from the Council, it would come back to the Council. However, the Council would not pull it back from BER.

Terry read MCA 75-5-221(4) which states, "The council shall act only in an advisory capacity to the department on matters relating to water pollution," and stated that there are limitations to how WPCAC can function. Bob stated that he can update WPCAC on BER activity, and that the ORW topic is mostly being worked out locally at this point. WPCAC does not have a current role in this topic. Matt stated that he would also appreciate getting status reports on previous WPCAC items now before the Board.

Returning to the topic of the 2008 WPCAC meeting calendar, Dude stated he will be absent from Helena on March 6, 2008, and asked if Terry would be able to chair that meeting. Terry stated he would. John Bengochea asked if the meeting times could be changed to 11:00 a.m. to allow more time for travel. Bob stated that DEQ staff could arrange to provide lunch that would come in at the

lunch per diem rate. A motion was made to change the starting times to 11:00 a.m. The motion was seconded, and carried. Kathleen Williams asked why the November meeting was on Friday, November 7, 2008. Bob stated this should have been put at November 6, 2008. Karen Sanchez asked if the January 10, 2008, meeting which was scheduled at the last meeting would be cancelled, and this was affirmed. Stevie Neuman asked if the August meeting could be moved to August 21, 2008. Council members agreed this could be done. Concern was raised whether this was too far in advance for the BER meeting; however, Bob stated the meeting date of August 21, 2008, would be fine. A motion was made to approve the meeting minutes with the changes proposed. The motion carried, and the calendar was approved with the proposed changes of August 21, 2008, and November 6, 2008.

Public Comment

Dude Tyler opened the floor to public comment. No public members were in attendance and therefore none came forward.

Agenda Items for Next Meeting Dude Tyler opened discussion for agenda items for the next WPCAC meeting. Bob stated that he plans to provide updates on DEQ-7, ORW, and the Conrad UAA. Jon Bengochea stated that small towns have a large stake in many of the topics that were presented in the last WPCAC meeting. He requested that WPCAC have regular agenda items on issues such as wastewater reuse, the Conrad UAA, and TMDLs at each WPCAC meeting. Terry McLaughlin stated that Mike Suplee had asked for volunteers at the last WPCAC meeting, and that Jon may be interested in volunteering to assist the department as well. Bob asked if Council members would like regular TMDL updates, and pointed out that there is a separate advisory group specifically addressing the TMDL program. The group is called Statewide TMDL Advisory Group (STAG), and Terry McLaughlin is a member of that group. Summer Marston stated that WPCAC members could also be added to the list of people who are notified when new TMDL information is available from DEQ.

Bob thanked the Council for all the help that WPCAC has provided to the Department, and he looks forward to working with them in the coming year.

No other agenda items were requested.

Adjournment of the Meeting

A motion was made and seconded to adjourn the meeting. Motion carried. Dude Tyler adjourned the meeting at 11:01 a.m.